

A New Model Code of Meeting Practice - Consultation Draft Submission by Port Macquarie-Hastings Council

Thank you for the opportunity to comment on the consultation draft for a new Model Code of Meeting Practice. Please find below comments on the proposed changes for your consideration.

General Comments

Many of the Minister's goals being addressed through these proposed changes are appropriate however the following comments are made:

- Restoring dignity to the chamber and building respect for Mayors requires far more than requiring Councillors and staff to stand when speaking or when the Mayor enters the chamber or giving Mayors additional power to manage disorder in a Council meeting. Some of these suggestions for managing disorder could easily be abused by Mayors for political purposes in certain situations.
- "General managers will no longer need to provide advice on motions requiring the expenditure of funds. Disputes over the future direction of a council and the spending of ratepayer money should rightfully occur between elected councillors". There are no concerns with this comment however these changes should be explicitly included in the Model Code in that Council must determine funding sources for unfunded motions in the resolution. This will require Councillors to determine how their motions will be funded.
- "The most important of the reforms is to end private councillor briefing sessions. While well-intentioned as a means of educating councillors on matters before council, these sessions have had a corrosive effect on the transparency of council decision making. Communities are entitled to know the deliberations of their councillors and the nature of the advice given to assist them in making responsible decisions. These changes will ensure that all material given to a councillor to make a decision in a council meeting is provided in a public fashion."

The Office of Local Government Councillor Handbook clearly acknowledges the benefit of briefing sessions as below:

"Councils may hold workshops for the purpose of conducting in-depth discussions on certain topics. Formal decisions are not made at workshops but these sessions provide the time needed to explore more important or complex issues in detail. A workshop may involve councillors, council staff and invited participants. Workshops should not be used for detailed or advanced discussions where agreement is reached and/or a de-facto decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, should be left to the open forum of a formal council or committee meeting. Workshops or briefing sessions are supported by some to develop councillor knowledge and expertise, and to assist them to discharge their role as public officials. However, where briefing sessions are held in relation to development applications or business enterprises, a council needs to remember its obligations and responsibilities under its code of conduct, and community perceptions in terms of unfair

advantage and transparency of process. The Model Meeting Code contains non- mandatory rules for conducting councillor briefings.”

Briefing sessions are an important tool available to Councils to discuss sometimes sensitive matters outside of the public. It is essential that Councils continue to be able to utilise briefing sessions with Councillors to ensure that Councillors are appropriately engaged and informed of matters that require discussion outside of the public domain.

What policy objectives inform the proposed amendments?

- The September discussion paper proposed the following reforms to the way council meetings are conducted:
 - Conferring power on mayors to expel councillors for acts of disorder and to remove a councillor’s entitlement to receive a fee for the month in which they have been expelled from a meeting.Controls should be put in place to restrict Mayors from using this for political gain and targeting political opponents.
- Expanding the grounds for mayors to expel members of the public from the chamber for acts of disorder and enable the issuing of a penalty infringement notice where members of the public refuse to leave a meeting after being expelled. This requires additional consideration as to the process. Under the current model Code of Conduct, clause 7.2(b) states that “Councillors or administrators must not:
(b) in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate “
It would appear that the Mayor would be required to direct that a Council staff member issue a penalty infringement notice which would be contrary to this section of the model code of conduct.
- Promoting transparency and addressing corruption risks by banning councillor briefing sessions. The community has the right to understand the mode of reasoning behind council decisions without material being provided to councillors by council staff behind closed doors.

This has been addressed previously.

Proposed Changes

The proposed amendments will promote **greater transparency and public participation** by:

- Removing pre-meeting councillor briefings. It is the Government’s expectation that any material provided to councillors, other than the mayor, that will affect or impact or be considered by councillors in their deliberations or decisions made on behalf of the community must be provided to them in either a committee meeting or council meeting. The restriction on briefing sessions will be prescribed in the Regulation. This has been addressed previously.
- Requiring information considered at closed meetings to be made public after it ceases to be confidential, as recommended by ICAC. The general manager will, after consulting with the council, be required to publish business papers for items considered in closed meetings on the council’s website after the information in them ceases to be confidential.

Clarification is required regarding this clause. The following questions are raised:

Are business papers meant to be released in parts as individual sections are no longer confidential? This would be an administratively onerous task to manage the staged release of items as they are no longer confidential. Obviously some items would remain confidential and will never be made publicly available such as code of conduct complaints.

The proposed amendments will promote **the dignity of the council chamber** by:

- Enhancing the authority of the mayor. The mayor will be permitted to call extraordinary meetings without a request and the restrictions on mayoral minutes will be removed.

It did not appear that the Mayor was prevented from calling an extraordinary meeting under the current provisions of the Act or Model Code of Meeting Practice. It appears that the only reference to the calling of an extraordinary meeting was that should the Mayor receive a formal request from 2 Councillors an extraordinary meeting must be called. The current act or code did not prohibit the Mayor from calling an extraordinary Council meeting.

- Requiring councillors to stand when a councillor addresses the meeting, or when the mayor enters the chamber, as well as by mandating modes of address at meetings.

Does this require the Mayor to stand when speaking? The Mayor is a Councillor and the proposed wording could be interpreted that the Mayor is required to stand when speaking. It would not be appropriate for the Mayor to be required to stand when speaking and this should be specified in the Code.

- Removing the option for councils to reduce the duration of speeches, to ensure all councillors may have their say on important community issues.

It is noted that page 8 of the consultation paper states that a proposed amendment will promote the dignity of the Council chamber by “Removing the option for councils to reduce the duration of speeches, to ensure all councillors may have their say on important community issues.” I would like to note that the consultation draft of the model code of meeting practice still allows a motion to be put which restricts the opportunity for Councillors to have their say on important community issues. To be serious about allowing all Councillors to be given an opportunity to speak on important matters, new clauses relating to motions being put in clauses 10.22 to 10.25 should be removed.

The proposed amendments will **depoliticise the role of the general manager** by:

- Removing the requirement for general managers to prepare reports for notices of motion. General managers will no longer be required to prepare reports on notices of motions with financial implications or to identify sources of funding where a notice of motion proposes expenditure that has not been budgeted for. These will be matters for the council to determine. There are no concerns with this comment however these changes should be explicitly included in the Model Code in that Council must determine funding sources for unfunded motions in the resolution.

- Providing that the mayor, not the general manager has discretion on whether council staff should respond to questions with notice. It will be open to the mayor to rule a question with notice out of order at the meeting if it breaches the disorder provisions of the council’s code of meeting practice.

It is not appropriate that the Mayor be directing staff to respond to questions. The GM should be asked the question and it should be left to them as to how it is responded to.

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- Conferring responsibility on the council to determine staff attendance at meetings. Because councillors are best placed to determine what support they require from staff at meetings, it will be a matter for the council to determine which staff attend meetings.
Will this provision prevent staff from attending council meetings in an observing capacity and then responding to questions if they are best placed to respond during the meeting? The inclusion of this provision seems to complicate matters as this has not been an issue in the past for Council with appropriate staff in attendance at all meetings. If Council has not determined that a staff member be in attendance, it may prevent required information being shared with Council during decision making. The GM is best placed to determine which staff should be in attendance at the meeting.

Draft Code of Meeting Practice

Please note that not all proposed changes to the Model Code of Meeting Practice are addressed here. Only those changes that Council would like to make comment are included below.

Extraordinary Meetings

New Clause 3.3

3.3 The mayor may call an extraordinary meeting without the need to obtain the signature of two (2) councillors.

There are no concerns with this proposed change however It did not appear that the Mayor was prevented from calling an extraordinary meeting under the current provisions of the Act or Model Code of Meeting Practice. It appears that the only reference to the calling of an extraordinary meeting was that should the Mayor receive a formal request from 2 Councillors an extraordinary meeting must be called. The current act or code did not prohibit the Mayor from calling an extraordinary Council meeting.

Delete Clauses 3.12 - 3.13

~~3.12 If the general manager considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the general manager may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.~~

~~3.13 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the general manager must either:~~

~~(a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or~~

~~(b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter~~

~~by the council to such a date specified in the notice, pending the preparation of such a report.~~

Council has concerns with this proposed deletion. It is noted that the Minister's foreward states "General managers will no longer need to provide advice on motions requiring the expenditure of funds. Disputes over the future direction of a council and the spending of ratepayer money should rightfully occur between elected councillors." These changes should explicitly state in the Model Code of Meeting Practice that Council must determine funding sources for unfunded motions in the resolution. It is assumed that as the mandatory clauses are proposed to be removed, a Council could resolve to include these into its Code of Meeting Practice as a supplementary clause as they are not inconsistent with the mandatory clauses.

Questions with Notice

Delete Clause 3.15

~~3.15 A councillor is not permitted to ask a question with notice under clause 3.14 that comprises a complaint against the general manager or a member of staff of the council, or a question that implies wrongdoing by the general manager or a member of staff of the council.~~

Council would like to address concerns with this proposed deletion. A Council meeting is not the appropriate location for Councillors to be airing grievances about staff. Complaints against staff should be made through the General Manager and managed internally rather than in a public forum.

Amended Clause 3.16

3.16 The general manager or their nominee may respond to a question with notice submitted under clause 3.12 by way of a report included in the business papers for the relevant meeting of the council ~~or orally at the meeting.~~

*Removing the ability to respond orally at the meeting will result in the cut-off time for Questions With Notice closing earlier than the current closing time to allow staff to prepare sufficient responses if they must be provided at the same meeting in writing. It is also noted that the wording of this clause indicates that the General Manager or their nominee **"MAY"** respond to a question in writing at that meeting. If this is the case what other options are available? It is assumed that a verbal response at the meeting is not expressly prohibited, an oral response could be provided at the meeting should Council resolve to allow oral responses as a supplementary clause in the meeting or a report at the next meeting.*

Agenda and business papers for ordinary meetings

Amended Clause 3.21

3.21 Where the agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public, the general manager must, **in consultation with the mayor**, ensure that the agenda of the meeting:

(a) identifies the relevant item of business and indicates that it is of such a nature (without disclosing details of the information to be considered when the meeting is closed to the public), and

(b) states the grounds under section 10A(2) of the Act relevant to the item of business.

If the General Manager is required to consult with the Mayor, a mechanism should be detailed in the Code to manage the situation where there is disagreement between the Mayor and the General Manager regarding the confidentiality of a matter. The wording indicates it is the responsibility of the General Manager so it is recommended that the code explicitly state that the final decision is that of the General Manager.

Statement of ethical obligations

Delete Clause 3.23

~~3.23 Business papers for all ordinary and extraordinary meetings of the council and committees of the council must contain a statement reminding councillors of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.~~

It is anticipated that as this is not a prohibition to include the oath or affirmation statements, a Council could include this as a supplementary clause if it so chooses as it would not be inconsistent with the mandatory provisions of the model code. It would appear that the Minister is trying to raise the dignity in the chamber and the inclusion of the oath and affirmation statement in the business paper could only emphasise the responsibilities of the Councillors and also assist in raising the dignity of the chamber.

Matters of Urgency in Extraordinary Meetings

Amendments to clauses 3.29, 3.30, 3.31 and 3.32

This proposed change seems unnecessary and does not make the meeting more efficient, instead adding complicated procedures to determine whether an item is urgent or not. It is disagreed that if all Councillors are not present that the Mayor needs to determine whether the matter is urgent. It seems inconsistent that a meeting where all Councillors are not present can resolve to spend large amounts of money or adopt a budget but cannot determine without the Mayor's concurrence if a matter is urgent.

Pre-meeting briefing sessions

All clauses relating to pre-meeting briefing sessions have been deleted

The Office of Local Government Councillor Handbook clearly acknowledges the benefit of briefing sessions as below:

“Councils may hold workshops for the purpose of conducting in-depth discussions on certain topics. Formal decisions are not made at workshops but these sessions provide the time needed to explore more important or complex issues in detail. A workshop may involve councillors, council staff and invited participants. Workshops should not be used for detailed or advanced discussions where agreement is reached and/or a de-facto decision is made. Any detailed discussion or exchange of

views on an issue, and any policy decision from the options, should be left to the open forum of a formal council or committee meeting. Workshops or briefing sessions are supported by some to develop councillor knowledge and expertise, and to assist them to discharge their role as public officials. However, where briefing sessions are held in relation to development applications or business enterprises, a council needs to remember its obligations and responsibilities under its code of conduct, and community perceptions in terms of unfair advantage and transparency of process. The Model Meeting Code contains non- mandatory rules for conducting councillor briefings.“

Briefing sessions are an important tool available to Councils to discuss sometimes sensitive matters outside of the public. It is essential that Councils continue to be able to utilise briefing sessions with Councillors to ensure that Councillors are appropriately engaged and informed of matters that require discussion outside of the public domain.

Public forums

4.1 The council may hold a public forum prior to ordinary meetings of the council and committees of councillors for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of other committees of the council.

4.2 The council may determine the rules under which the public forum is to be conducted.

It is noted that this is now a mandatory clause which provides some flexibility in the language used being “may hold a public forum”, not “must hold a public forum” however it is explicit in that the public forum should be held prior to meetings, not during. This does not impact Council at this stage but limits the options available as to when to conduct the public forum to be outside of the Council meeting.

Attendance by Councillors at Meetings

New Clause 5.7

5.7 Clause 5.4 does not prevent a councillor from making an apology if they are unable to attend a meeting. Where a councillor makes an apology, the council will be deemed to have accepted the apology and granted them a leave of absence for the meeting for the purposes of section 234(1)(d) of the Act unless the council resolves not to accept the apology or to grant a leave of absence for the meeting. Where the council resolves not to accept an apology and to grant a leave of absence it must state the reasons for its decision in its resolution.

There are no concerns with this proposed change. It appears that the acceptance of an apology will now be deemed the granting of a leave of absence for the purpose of the Act which is assumed to mean that Councillors can give more than 3 consecutive apologies without a formal leave of absence and would not be vacating their office in doing so.

Attendance of the general manager and other staff at meetings

Amendment to Clause 5.43

5.43 The attendance of other council staff at a meeting, (other than as members of the public) shall be ~~with the approval of the general manager~~ **as determined by the council from time to time.**

Will this provision prevent staff from attending council meetings in an observing capacity and then responding to questions if they are best placed to respond during the meeting? The inclusion of this provision seems to complicate matters as this has not been an issue in the past for Council with appropriate staff in attendance at all meetings. If Council has not determined that a staff member be in attendance, it may prevent required information being shared with Council during decision making. The General Manager is best placed to know who should be attending Council meetings.

Delete Clause 5.44

~~5.44 The general manager and other council staff may attend meetings of the council and committees of the council by audio-visual link. Attendance by council staff at meetings by audio-visual link (other than as members of the public) shall be with the approval of the general manager.~~

Although this doesn't explicitly prevent staff attending Council meetings by remote means, Council may consider adding this as a supplementary provision unless prohibited in some other manner.

Modes of address

Add Clause 7.1

7.1 Where they can, councillors and staff must stand when the mayor enters the chamber and when addressing the meeting.

Does this require the Mayor to stand when speaking? The Mayor is a Councillor and the proposed wording could be interpreted that the Mayor is required to stand when speaking. It would not be appropriate for the Mayor to be required to stand when speaking and this should be explicitly specified in the Code.

Matters of Urgency in Council Meetings

Amendments to clauses 9.3 to 9.5

This proposed change seems unnecessary and does not make the meeting more efficient, instead adding complicated procedures to determine whether an item is urgent or not. It is disagreed that if all Councillors are not present that the Mayor needs to determine whether the matter is urgent. It seems inconsistent that a meeting where all Councillors are not present can resolve to spend large amounts of money or adopt a budget but cannot determine without the Mayor's concurrence if a matter is urgent.

Mayoral Minutes

Amendment to Clause 9.6

If the mayor is the chairperson at a meeting of the council, the mayor may, by minute signed by the mayor, put to the meeting without notice any matter or topic that is ~~within the jurisdiction of the council, or of which the council has official knowledge~~ **the mayor determines should be considered at the meeting.**

It is suggested that the current wording of the clause is more appropriate than the wording proposed. The current wording limits any political motivation of the Mayor in introducing Mayoral Minutes that may not be appropriate as they are outside the jurisdiction of the Council or Council has no previous knowledge.

Deletions of clauses 9.9 and 9.10

~~9.9 A mayoral minute must not be used to put without notice matters that are routine and not urgent or matters for which proper notice should be given because of their complexity. For the purpose of this clause, a matter will be urgent where it requires a decision by the council before the next scheduled ordinary meeting of the council.~~

~~9.10 Where a mayoral minute makes a recommendation which, if adopted, would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan, it must identify the source of funding for the expenditure that is the subject of the recommendation. If the mayoral minute does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the recommendation if adopted.~~

The existing wording of clauses 9.9 and 9.10 are appropriate to maintain in the model code. Mayoral Minutes that are used for routine or non urgent matters reduce the importance and status of a Mayoral minute. Without these clauses some Mayors may weaponise the use of Mayoral Minutes without appropriate controls.

It is noted that the Minister's foreward states "General managers will no longer need to provide advice on motions requiring the expenditure of funds. Disputes over the future direction of a council and the spending of ratepayer money should rightfully occur between elected councillors." These changes should explicitly state in the Model Code of Meeting Practice that Council must determine funding sources for unfunded motions in the resolution. It is assumed that as the mandatory clauses are proposed to be removed, a Council could resolve to include these into its Code of Meeting Practice as a supplementary clause as they are not inconsistent with the mandatory clauses.

Questions

Amendment to Clause 9.18

9.18 Councillors must put questions directly, succinctly, ~~respectfully~~ and without argument.

Council disagrees with this amendment. The removal of the requirement for respectful questions seems in direct opposition to the minister's comments on page 4 of the consultation draft as below:

*“... For these reasons, it is important that meetings are effective, allow for robust, **respectful** debate and result in actionable outcomes for New South Wales communities.”*

*“It is critical that councillors can make these informed decisions in an environment that supports democracy, transparency and where elected representatives are given the **respect** they deserve.”*

Page 6 of this same consultation draft includes:

*“As observed in the September discussion paper, council meetings can be conducted without the appropriate level of dignity or reverence that suggests the importance of the debate and the need for civility. Councillors are not expected to agree with each other. In fact, debate is encouraged, but the debate should be fair and **respectful**.”*

It is essential that the word “respectfully” remain within this clause.

Motions requiring the expenditure of funds

Deletion of Clause 10.9

~~10.9 A motion or an amendment to a motion which if passed would require the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the motion. If the motion does not identify a funding source, the council must defer consideration of the matter, pending a report from the general manager on the availability of funds for implementing the motion if adopted.~~

Council has concerns with this proposed deletion. It is noted that the Minister's foreward states “General managers will no longer need to provide advice on motions requiring the expenditure of funds. Disputes over the future direction of a council and the spending of ratepayer money should rightfully occur between elected councillors.” These changes should explicitly state in the Model Code of Meeting Practice that Council must determine funding sources for unfunded motions in the resolution. It is assumed that as the mandatory clauses are proposed to be removed, a Council could resolve to include these into its Code of Meeting Practice as a supplementary clause as they are not inconsistent with the mandatory clauses.

Foreshadowed Motions

Deletion of Clause 10.17

~~10.17 A councillor may propose a foreshadowed motion in relation to the matter the subject of the original motion before the council, without a seconder during debate on the original motion. The foreshadowed motion is only to be considered if the original motion is lost or withdrawn and the foreshadowed motion is then moved and seconded. If the original motion is carried, the foreshadowed motion lapses.~~

The ability to move a foreshadowed motion has been removed however foreshadowed amendments may still be moved. This prohibits a foreshadowed motion that is a direct negative of the current motion to be proposed and any amendment that is a direct negative of the current motion to be moved as amendments cannot be direct negatives. It is difficult to understand why a

foreshadowed amendment is permitted however a foreshadowed motion is being removed.

Limitations on the number and duration of speeches

Deletion of Clause 10.24

~~10.24 Despite clause 10.22, the council may resolve to shorten the duration of speeches to expedite the consideration of business at a meeting.~~

In effect, this will set the time limit for Councillors to speak to an item on the agenda to 5 minutes without the opportunity to reduce this. This should be a decision for each Council rather than be uniformly set, particularly for those Councils with a large number of Councillors.

It is noted that page 8 of the consultation paper states that a proposed amendment will promote the dignity of the Council chamber by “Removing the option for councils to reduce the duration of speeches, to ensure all councillors may have their say on important community issues.” I would like to note that the consultation draft of the model code of meeting practice still allows a motion to be put which restricts the opportunity for Councillors to have their say on important community issues. To be serious about allowing all Councillors to be given an opportunity to speak on important matters, clauses relating to motions being put in clauses 10.22 to 10.25 should be removed.

Resolutions passed at closed meetings to be made public

Addition of Clauses 14.19 and 14.20

14.19 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council’s website as soon as practicable after the information contained in the business papers ceases to be confidential.

14.20 The general manager must consult with the council before publishing information on the council’s website under clause 14.19.

Clarification is required regarding this clause. Are confidential business papers meant to be released in parts as individual sections are no longer confidential? This would be an administratively onerous task to manage the staged release of items as they are no longer confidential. Obviously some items would remain confidential and will never be made publicly available such as code of conduct complaints. Technically this would be difficult to achieve as many business paper systems provide a frame into their systems for the public to access business papers which may not allow the release of individual reports in their current format.

Acts of disorder

Amendments to Clause 15.11 (d) and (e)

15.11 A councillor commits an act of disorder if the councillor, at a meeting of the council or a committee of the council:

(d) insults, makes unfavourable personal remarks about, or imputes improper motives to any other council official, ~~or alleges a breach of the council’s code of~~

~~conduct, or uses any language, words or gestures that would be regarded as disorderly in the NSW Legislative Assembly, or~~
(e) says or does anything that is inconsistent with maintaining order at the meeting ~~or is likely to bring the council or the committee into disrepute.~~

I suggest that it is very ambiguous to refer to language, words or gestures that would be regarded as disorderly in the NSW Legislative Assembly without these being defined. The Mayor should be given the authority to determine what is and what isn't appropriate language and behaviour in a meeting and it should not refer to the requirements of another level of government.

Closure of committee meetings to the public

Addition of Clauses 20.20 and 20.21

20.20 The general manager must cause business papers for items of business considered during a meeting, or part of a meeting, that is closed to public, to be published on the council's website as soon as practicable after the information contained in the business papers ceases to be confidential.

20.21 The general manager must consult with the committee before publishing information on the council's website under clause 20.20.

Clarification is required regarding this clause. Are confidential business papers meant to be released in parts as individual sections are no longer confidential? This would be an administratively onerous task to manage the staged release of items as they are no longer confidential. Obviously some items would remain confidential and will never be made publicly available such as code of conduct complaints. Technically this would be difficult to achieve as many business paper systems provide a frame into their systems for the public to access business papers which may not allow the release of individual reports in their current format.

Additional Code of Meeting Practice Clauses for Consideration

Council would like to request the following clauses be added to the Model Code of Meeting Practice.

Notices of motion

The Chief Executive Officer is empowered to withhold a notice of motion from inclusion on the agenda if there are unresolved issues with the proposed wording of the motion relating to legal, strategic, financial, reputational or policy implications prior to production of the business papers. The notice of motion will be included on the next available Council meeting agenda when the unresolved issues have been addressed.

The Chief Executive Officer is further empowered under this clause to refuse a notice of motion that relates to routine operational matters.

Councillors may provide comments with any notice of motion to be included in the business papers to support their position on the proposed motion however if the Chief Executive Officer considers these comments to have legal, strategic, financial,

reputational or policy implications, or they are inflammatory, the Councillor may be asked to reconsider the comments or remove the subject comments altogether. The Chief Executive Officer is empowered under this clause to withhold the notice of motion from inclusion on the agenda if no resolution has been achieved at the time of production of the business papers. The notice of motion will be included on the agenda when the unresolved issues have been addressed.

Comments provided by Councillors supporting a notice of motion that include information from external sources should be appropriately referenced in the comments.

A maximum number of notices of motion should be defined for each Councillor to submit to a Council meeting.

Late Reports

Late reports will be provided in a late agenda and be provided to Councillors at least 72 hours before the commencement of the Council meeting. This late agenda will also be made available to the public at the time it is provided to Councillors. This does not limit the powers of the Mayor to put a Mayoral minute to a meeting without notice under clause 9.6.

Questions With Notice

The Chief Executive Officer is empowered to refuse a Question With Notice that is inflammatory. The Councillor may be asked to reconsider the comments or remove the subject comments altogether. The Chief Executive Officer is empowered under this clause to withhold the Question With Notice from inclusion on the agenda if no resolution has been achieved at the time of production of the business papers. The Question With Notice will be included on the agenda when the unresolved issues have been addressed.

Councillors will not be provided an opportunity to speak to a question on notice or the response from staff. Councillors may only ask a supplementary question where clarification from staff of the response is required.

Rescinding or altering Council decisions

If a valid notice of motion to rescind a resolution is submitted to the Chief Executive Officer and the resolution, or part thereof, has not yet been enacted, the resolution must not be carried into effect until the motion of rescission has been dealt with.

Definitions

The definition of a direct negative (clause 10.11) should be included in the definitions.

The Chairperson

The chairperson may determine the seating arrangement of Councillors and staff in attendance at Council meetings they preside over.